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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.				
10/707,295	12/03/2003	Gang Qiu		1294				
40201 GANG QIU 20910 PEPPER TREE LN CUPERTINO, CA 95014	7590 12/12/2007		<table border="1"><tr><td colspan="2">EXAMINER</td></tr><tr><td colspan="2">DAY, HERNG DER</td></tr></table>		EXAMINER		DAY, HERNG DER	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.		Applicant(s)	
	10/707,295		QIU, GANG	
	Examiner		Art Unit	
	Herng-der Day		2128	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 September 2007 and 20 September 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-140 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 48-51, 71-73, 116-119, 139 and 140 is/are rejected.
- 7) ☒ Claim(s) 4-47, 52-70, 74-115 and 120-138 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 September 2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

1. This communication is in response to Applicant's Amendment ("Amendment") to Office Action dated June 6, 2007, filed September 5, 2007, and September 20, 2007.

1-1. Claims 1, 2, 11-13, 71, 72, 81, and 82 have been amended. Claims 1-140 are pending.

1-2. Claims 1-140 have been examined.

Drawings

2. The replacement drawing sheet of FIG. 1A received on September 5, 2007, is acceptable.

The objection to the drawings has been withdrawn.

Abstract

3. The Examiner has acknowledged without objection that the abstract has been amended.

Specification

4. The objections to the specification have been withdrawn.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an

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international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1-3, 48-51, 71-73, 116-119, and 139-140 are rejected under 35 U.S.C. 102(e) as being anticipated by Chailleux, U.S. Patent Application Publication No. 2002/0109736 A1 published August 15, 2002.

6-1. Regarding claim 1, Chailleux discloses a method for modeling and simulating software running interactively directly or indirectly on at least one digital computer, comprising the steps of:

providing a display (display 3, paragraph [0048]);

providing an input, wherein said input connects at least one of a pointing device, a keyboard and external interactive devices to said software (User input devices, paragraph [0048]);

providing an output, wherein said output connects a block of memory to said display (Display Adapter 30, paragraph [0049]);

providing a software controller, wherein said software controller is a programmable agent controlling said software to perform tasks (executes the software application, paragraph [0061]);

providing a software modeling process, wherein said software modeling process models an interaction process between said software and said software controller (authoring program, paragraph [0046]), further comprising the sub-steps of:

(a) connecting said software controller with said software through an input and an output of said software, (b) controlling said software by said software controller (executes the software application, paragraph [0061]), and

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(c) identifying a model of said software on-line (Create Presentation Applet, Fig. 1); and

providing a software simulation process, wherein said software simulation process simulates said interaction process between said software and said software controller (playback of the presentation, paragraph [0047]), further comprising the sub-steps of:

(d) connecting said software controller with said model of said software through a simulated input and a simulated output of said model of said software, (e) controlling said model of said software by said software controller (Sequence controls ... are provided, paragraph [0047]), and

(f) simulating said interaction process between said software and said software controller without said software presence (playback of the presentation, paragraph [0047]); and

wherein said software simulation process is a new software that comprises said model of said software and said software controller (Java applet, paragraph [0046]).

6-2. Regarding claim 2, Chailleux further discloses comprising the step of:

providing a discrete sampling domain, wherein said discrete sampling domain is a finite integer sequence K driven by said software controller (automate the process, paragraph [0060]) with a current sampling k indicating the most recent sampling (the number of screenshots currently taken can be determined, paragraph [0069]).

6-3. Regarding claim 3, Chailleux further discloses comprising the steps of:

providing a software dynamic system to represent said software modeling process, wherein said software dynamic system is a discrete system defined over said discrete sampling

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domain K (another computer program automatically performs one or more of the authoring steps, paragraph [0060]);

wherein said software simulation process simulates said software dynamic system (playback of the presentation, paragraph [0047]).

6-4. Regarding claim 48, Chailleux further discloses wherein said software modeling process is a software modeling automation that runs autonomously (another computer program automatically performs one or more of the authoring steps, paragraph [0060]).

6-5. Regarding claim 49, Chailleux further discloses wherein said software simulation process is a software simulation automation that runs autonomously, wherein the method further comprises the step:

providing an output of said software simulation automation, wherein said output of said software simulation automation is said output of said model of said software that is manipulable (playback of the presentation, paragraph [0047]).

6-6. Regarding claim 50, Chailleux further discloses wherein said software simulation automation is augmented with additional computation while said software dynamic system is preserved (the advertising banner can be initialized, updated, or replaced, paragraph [0100]).

6-7. Regarding claim 51, Chailleux further discloses wherein the step of augmenting said software simulation automation further comprises the steps of:

providing an interaction input component H, wherein said interaction input component H engages a user to interact with said software simulation automation (Editing and checking of the cursor shape and movement can be performed, paragraph [0078]);

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providing an index component G, wherein said index component G controls visibility of said output of said software simulation automation (slide number, paragraph [0076]);

providing a programmable extension component E, wherein said programmable extension component E extends programmatically said software simulation automation (automate the process, paragraph [0060]) with additional computational process (the advertising banner can be initialized, updated, or replaced, paragraph [0100]).

6-8. Regarding claims 71-73 and 116-119, these system claims include the equivalent method limitations as in claims 1-3 and 48-51 and are anticipated using the same analysis of claims 1-3 and 48-51.

6-9. Regarding claim 139, Chailleux discloses a method for modeling and simulating software running interactively directly or indirectly on at least one digital computer, comprising the steps of:

providing a first software, wherein said first software is a binary software that is runnable in the form of EXE or Dynamic Link Libraries (DLL) (the software application, paragraph [0061]);

providing a second software, wherein said second software is programmed to synthesize at least one of a plurality input actions, wherein said plurality of input actions comprise, at least one pointing device action, at least one keyboard action, and at least one external input action (Authoring Program, Add text, cursor movement and transitions, clickable areas, Fig. 1);

executing said first software under control of said second software by applying said synthesized input actions to said first software by said second software (Authoring Program, Execute Application Program to Obtain Screenshots, Fig. 1);

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capturing a model of said first software, wherein said model of said first software records an input and output behavior of said first software under control of said second software (Authoring Program, Create Presentation Applet, Fig. 1);

controlling said model of said first software by said second software to simulate said input and output behavior of said first software under control of said second software (controls are shown to allow the author to direct how the applet is played back in a browser, paragraph [0096]);

creating a third software, wherein said third software comprises said model of said first software and said second software (the applet is built, paragraph [0097]).

6-10. Regarding claim 140, the system claim includes the equivalent method limitations as in claim 139 and is anticipated using the same analysis of claim 139.

Allowable Subject Matter

7. Claims 4-47, 52-70, 74-115, and 120-138 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Applicant's Arguments

8. Applicant argues the following:

8-1. Claims Rejections - 35 USC § 112

(1) "The claims have been amended to correct the errors."

8-2. Claim Rejections - 35 USC § 102

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(2) "This application utilizes a software controller to automatically and programmatically control the software to identify the model of the software. The identified model includes not only the state of display (so called "screenshots"), but also the model information about the software, such as positions and sizes of graphical user interface elements, etc.." (Regarding Office Action 12-1, 1)

(3) "Chailleux does not use a software to control the software and requires an author to operate manually the software to create screenshots that do not include any model information about the software." (Regarding Office Action 12-1, 1)

(4) "This application utilizes the same software controller used in the modeling process to automatically and programmatically control the identified model of the software in the simulation process." (Regarding Office Action 12-1, 2)

(5) "Chailleux uses a java applet to play back the manually captured screenshots that do not include any model information about the software." (Regarding Office Action 12-1, 2)

(6) "by reciting claim 2 with "driven by said software controller", the applicant respectfully requests the Examiner reconsideration of this rejections and applicable for other claims that depend on the claim 2." (Regarding Office Action 12-2)

(7) "Chailleux requires another program to automatically perform the authoring steps, such as selecting screen shots, designating cursor movements, defining "bubble" text, etc. at edit time, which does not control or interact with the software, and the java applet to playback the manually captured screenshots that do not include any model information about the software." (Regarding Office Action 12-3, 12-4)

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(8) "Chailleux uses the java applet to play back the manually captured screenshots that do not include any model information about the software." (Regarding Office Action 12-5)

(9) "Chailleux adds "bubble" text, advertising banner, etc., to playback screenshots that do not include any model information about the software." (Regarding Office Action 12-6)

(10) "Chailleux requires an author instead of a user, to perform editing and checking of the cursor shape and movement at the edit time instead of run time." (Regarding Office Action 12-7, 1)

(11) "Chailleux requires an author instead of a user, to select manually the slide at the edit time instead of run time." (Regarding Office Action 12-7, 2)

(12) "Chailleux adds the advertising banner through the java applet that does not use the software controller to extend the simulation of the software." (Regarding Office Action 12-7, 3)

(13) "by reciting claim 72 with "driven by said software controller", the applicant respectfully requests the Examiner reconsideration of this rejections and applicable for other claims that depend on the claim 72." (Regarding Office Action 12-8)

(14) "This application utilizes a second software to automatically and programmatically control a first software to identify the model of the software. The identified model includes not only the state of display(so called "screenshots"), but also the model information about the software, such as positions and sizes of graphical user interface elements, etc.." (Regarding Office Action 12-9, 12-10, 1)

(15) "Chailleux does not use any software to control the software and requires an author to operate manually the software to create screenshots that do not include any model information about the software." (Regarding Office Action 12-9, 12-10, 1)

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(16) “Chailleux does not use any software to synthesize the input action and require an author to operate manually on the software at the capture time.” (Regarding Office Action 12-9, 12-10, 2)

(17) “Chailleux uses a java applet to play back the manually captured screenshots that do not include any model information about the software.” (Regarding Office Action 12-9, 12-10, 3)

(18) “Chailleux uses a java applet with the manually captured screenshots that do not include any model information about the software.” (Regarding Office Action 12-9, 12-10, 4)

Response to Arguments

9. Applicant’s arguments have been fully considered.

9-1. Applicant’s argument (1) is persuasive. The rejections of claims 1-138 under 35 U.S.C. 112, second paragraph, in Office Action dated June 6, 2007, have been withdrawn.

9-2. Applicant’s arguments (2) and (4) are not persuasive. In response to Applicant’s argument that the references fail to show certain features of Applicant’s invention, it is noted that the features upon which Applicant relies (i.e., “utilizes a software controller to automatically and programmatically control the software to identify the model of the software”, “The identified model includes ... the model information about the software, such as positions and sizes of graphical user interface elements”, and “utilizes the same software controller used in the modeling process to automatically and programmatically control the identified model of the software in the simulation process”) are not recited in the rejected claims. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). For example,

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in claim 1, substep (c) “identifying a model of said software on-line” is performed by the software modeling process. “Utilizes a software controller to identify the model of the software” has not been claimed in claim 1.

9-3. Applicant’s arguments (3), (5), (6), (10)-(13), (15), and (16) are not persuasive.

Chailleux discloses at paragraph [0060], “Other embodiments may automate the process where, for example, another computer program automatically performs one or more of the authoring steps described herein” and at paragraph [0058], “software of the present invention, may be presented as a single entity”. In other words, the argued manual operations (e.g., authoring, editing, playing back, etc.) may be performed automatically using various computer programs (i.e., at run time) and the computer programs (e.g., authoring program, applet playback, etc.) may be presented as a single entity (e.g., call it a software controller).

9-4. Applicant’s arguments (7)-(9), (17), and (18) are not persuasive. Chailleux discloses at paragraph [0046], “The authoring program includes basic steps of having the author create screenshots, or slides of an application program, or other information.” In other words, the captured screenshots or slides themselves form the model of an application software and represent the status of the software executed at the specific time points. Therefore, the captured screenshots or slides inherently include the model information.

9-5. Applicant’s argument (14) is not persuasive. In response to Applicant’s argument that the references fail to show certain features of Applicant’s invention, it is noted that the features upon which Applicant relies (i.e., “utilizes a second software to automatically and programmatically control a first software to identify the model of the software” and “The identified model includes ... the model information about the software, such as positions and

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sizes of graphical user interface elements”) are not recited in the rejected claims. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). For example, claim 139 recites the step “capturing a model of said first software”, however, “*utilizes a second software* to identify the model of the software” has not been claimed.

Conclusion

10. THIS ACTION IS MADE FINAL. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

11. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Herng-der Day whose telephone number is (571) 272-3777. The Examiner can normally be reached on 9:00 - 17:30.

Any inquiry of a general nature or relating to the status of this application should be directed to the TC 2100 Group receptionist: (571) 272-2100.

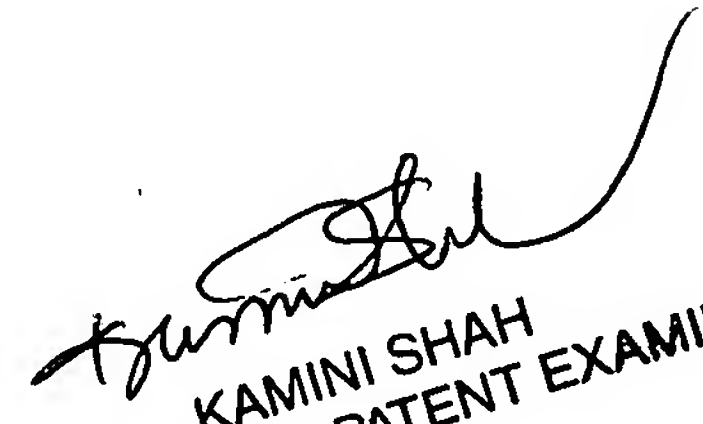
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If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Kamini S. Shah can be reached on (571) 272-2279. The fax phone numbers for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Herng-der Day
December 7, 2007

H.D.


KAMINI SHAH
SUPERVISORY PATENT EXAMINER